UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,420	02/23/2004	Rutger van Dalen	DECLE89.001C1	8607

20995 7590 09/28/2007	EXAMINER
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614	PATEL, HARESH N

ART UNIT	PAPER NUMBER
2154	

NOTIFICATION DATE	DELIVERY MODE
09/28/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com
eOAPilot@kmob.com

PTOL-90A (Rev. 04/07)

Office Action Summary	**Application No.**	**Applicant(s)**
	10/785,420	DALEN, RUTGER VAN
	Examiner	**Art Unit**
	Haresh Patel	2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>1</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 February 2004*.

2a)☐ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *1-6* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-6 are subject to examination.

Election/Restrictions

2.   Restriction to one of the following inventions is required under 35 U.S.C. 121:

I.   Claims 1-3 and 6, are drawn to, "a method, a device and a computer program for

transferring generic data acquired at a remote location to a central database based on

e-mail communication including **extracting the acquired data from the e-mail**

message by the central database server and storing the extracted data in the

central database", classified in class 709, subclass 206.

II.   Claim 4, is drawn to, "a **software architecture** having a plurality of protocol

modules, wherein the multiplexers and protocol modules are configured as **nodes in a**

software network, wherein the nodes are assigned to **a layered structure based at**

least on their functional properties, and wherein the multiplexer port identifiers at

each layer are used to **describe a path through the network**; an integrated protocol

engine configured to control the multiplexers, demultiplexers, and protocol modules,

and to communicate with and **control the nodes by sending and receiving messages**

through the network; and a plurality of **data buffers configured to transport data**

in the network, wherein the **messages and data buffers are routed through the**

network using a path descriptor which uniquely qualifies each node", classified

in class 709, subclass 230.

III.   Claim 5, is drawn to, "a **software architecture having a graphical-user interface,**

running on a personal computer which communicates with the device **through an**

RS-232 serial interface by exchanging messages with the application software

running on the device; a host protocol engine running on the personal computer and a

target protocol engine running on the embedded processor of the device, configured

to implement a serial communications protocol for exchange of the messages,

wherein the host protocol engine is **an ActiveX object which handles the protocol-**

related serial communication through the RS-232 serial interface, and wherein

the target protocol engine is a processor-independent software module configured to

pass a message received from the host protocol engine to target application

software for further processing", classified in class 719, subclass 313.

3.   The inventions are distinct, each from the other because of the following reasons:

Inventions I to III, are related as subcombinations disclosed as usable together in a single

combination. The subcombinations are distinct from each other if they are shown to be

separately usable. In the instant case, invention I has separate utility such as, usage of "a

method, a device and a computer program for transferring generic data acquired at a remote

location to a central database based on e-mail communication including **extracting the acquired**

data from the e-mail message by the central database server and storing the extracted data

in the central database", lacking one or more of the particulars of inventions II to III. Invention

II has separate utility such as, usage of "a **software architecture** having a plurality of protocol

modules, wherein the multiplexers and protocol modules are configured as **nodes in a software**

network, wherein the nodes are assigned to **a layered structure based at least on their**

functional properties, and wherein the multiplexer port identifiers at each layer are used to

describe a path through the network; an integrated protocol engine configured to control the

multiplexers, demultiplexers, and protocol modules, and to communicate with and **control the**

nodes by sending and receiving messages through the network; and a plurality of **data**

buffers configured to transport data in the network, wherein the **messages and data buffers**

are routed through the network using a path descriptor which uniquely qualifies each

node", lacking one or more of the particulars of inventions of I and III. Invention III has

separate utility such as, usage of "a **software architecture having a graphical-user interface**,

running on a personal computer which communicates with the device **through an RS-232 serial**

interface by exchanging messages with the application software running on the device; a host

protocol engine running on the personal computer and a target protocol engine running on the

embedded processor of the device, configured **to implement a serial communications protocol**

for exchange of the messages, wherein the host protocol engine is **an ActiveX object which**

handles the protocol-related serial communication through the RS-232 serial interface, and

wherein the target protocol engine is a processor-independent software module configured to

pass a message received from the host protocol engine to target application software for

further processing", one or more of the particulars of inventions of I, II. See MPEP 806.05.

4.   These inventions are distinct for the reasons given above, and the search required for

each Group is different and not co-extensive for examination purpose. For example, the searches

for the two inventions would not be co-extensive because these groups would require different

searches on PTO's classification class and subclass as following:

(a) Group I search (claims 1-3, 6) would require use of search class 709, subclass 206

(not required for the invention II and III).

(b) Group II search (claims 4) would require use of search class 709, subclass 230 (not

required for the invention I and III).

(c) Group III search (claims 5) would require use of search class 719, subclass 313 (not

required for the invention I and II).

5.   Because these inventions are distinct for the reasons given above and have acquired a

separate status in the art as shown by their different classification, restriction for examination

purposes as indicated is proper. Because these inventions are distinct for the reasons given above

and the extensive search required for one group is not required for the other groups, restriction

for examination purposes as indicated is proper. Because these inventions are distinct for the

reasons given above and have acquired a separate status in the art because of their recognized

divergent subject matter, restriction for examination purposes as indicated is proper.

6.   Applicant is advised that the reply to this requirement to be complete must include an

election of the invention to be examined even though the requirement be traversed (37 CFR

1.143).

7.   A shortened statutory period for response to this action is set to expire 0 (zero) months

and 30 (thirty) days from the mail date of this letter. Failure to respond within the period for

response will result in ABANDONMENT of the application (see 35 U.S.C. 133, MPEP 710.02,

710.02(b)).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The

examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to

8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Nathan Flynn, can be reached at (571) 272-1915. The fax phone number for the

organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Haresh Patel   *Haresh Patel*

September 21, 2007